

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MRS. JUSTICE K.HEMA

THURSDAY, THE 16TH AUGUST 2007 / 25TH SRAVANA 1929

WP(Crl.).No. 189 of 2007(S)

PETITIONER:

THILAKAN,
KALATHIL HOUSE, EZHUPUNNA SOUTH P.O.,
ALLEPPEY DISTRICT.

BY ADV. SRI.K.G.UNNIKRISHNAN NAIR

RESPONDENTS:

1. THE CIRCLE INSPECTOR OF POLICE,
ATTINGAL.
2. K.LALITHA,
CHARUVILA VEETIL, IRALLOOR CHUNDU MAMMADI
MITHUR MALA, NAGARoor P.O., THIRUVANANTHAPURAM.

R1 BY GOVT.PLEADER SRI C.M.KOMMAPPU

THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD
ON 16/08/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

W.P. (CRL) .NO.189/2007

APPENDIX

PETITIONER'S EXTS:

EXT.P1 TRUE COPY OF THE LETTER DTD. 13/7/2007 ADDRESSED
TO THE PETITONER BY THE SECRETARY OF THE NAGAROOR
GRAMA PANCHAYAT.

EXT.P2 TRUE COPY OF THE COMPLAINT MADE BY THE PETITIONER
BEFORE THE IST RESPONDENT ON 2/8/2007.

TRUE COPY

P.S.TO JUDGE

P.R. RAMAN & K. HEMA, JJ.
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W.P.(CRL) NO. 189 of 2007
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DATED THIS, THE 16TH DAY OF AUGUST, 2007.

J U D G M E N T

Raman, J.

Petitioner seeks for a writ of Habeas Corpus for production of his son Sri.Dines, who is alleged to be under the illegal confinement of the second respondent and persons acting under her. It is alleged that petitioner's son is a Santhi in a temple near Nagaroor. He got acquainted with Sindhu, the daughter of the second respondent and that some documents are created as though a marriage has taken place between the alleged detainee and the said Sindhu. It is alleged that on coming to know about the real facts, the alleged detainee's mother died in the shock.

2. Pursuant to the notice issued, the alleged detainee was produced by the police. We have interacted with him. He has stated that he married Singhu in a temple and subsequently, registered the same in the panchayat office. It is admitted by him that his mother passed away. He states that when he went to his wife's house, he was forced to stay with her brother. Sindhu's brother also was present before this Court. While questioned he denied the allegation and stated that the alleged detainee stayed with him

voluntarily as he had no free access to his house. We are not, in the circumstances, entering in to a finding rather leave it to be decided by the competent forum. But the alleged detainee submitted that he wants to go along with his father.

3. Since the detainee is a major, he is set at free. If there is any case registered by the police, the same may be proceeded with in accordance with law. We also make it clear that the observations made in this judgment will not in any way adversely affect the right of the parties and their contentions in any proceedings pending before the criminal court.

The writ petition is closed.

P.R. RAMAN,
(JUDGE)

K. HEMA,
(JUDGE)

knc/-